
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**
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 :
 :
v. :
 :
SEAN McMICHAEL :
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I, Craig Funderburk, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From at least in or about January 2006 through on or about July 19, 2006, in Camden County, in the District of New Jersey, and elsewhere, defendant SEAN McMICHAEL did:

knowingly and wilfully possess material which contained at least three images of child pornography, as defined in 18 U.S.C. § 2256, which were shipped and transported in interstate and foreign commerce, including by computer, and were produced using materials that were shipped and transported in interstate and foreign commerce, including by computer,

in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

I further state that I am a Senior Special Agent for United States Immigration and Customs Enforcement, and that this complaint is based on the following facts:

SEE ATTACHMENT A

continued on the attached page and made a part hereof.

Sworn to before me and subscribed in my presence,
July 26, 2006 at Newark, New Jersey

HONORABLE MADELINE COX ARLEO
UNITED STATES MAGISTRATE JUDGE

Craig Funderburk, Senior Special Agent
Department of Homeland Security
Immigration and Customs Enforcement

Signature of Judicial Officer

ATTACHMENT A

I, Craig Funderburk, a Senior Special Agent with United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), having conducted an investigation and discussed this matter with other law enforcement officers who have participated in this investigation, have knowledge of the following facts:

1. On or about July 19, 2006, law enforcement officers conducted a search of 10 Chadwick Drive, Voorhees, New Jersey, the residence of defendant SEAN McMICHAEL (hereinafter "defendant McMICHAEL").

2. On or about July 21, 2006, law enforcement officers reviewed the contents of defendant McMICHAEL's computer hard drive. Among the files found on that hard drive, which was manufactured in Thailand, were more than one hundred (100) images of what appear to be child pornography, as defined by Title 18, United States Code, Section 2256(8). Three of the images, which were found on defendant McMICHAEL's hard drive, are described as follows:

- a. **Image Number One:** This image depicts two nude prepubescent males who are lying down on what appears to be a bed. The head and shoulders of the first male are supported by a pink pillow, and his legs are spread apart. The second male is lying on his side, and he appears to be performing fellatio upon the first male. The legs of the second male are also spread apart exposing his genitals.
- b. **Image Number Two:** This image depicts a nude prepubescent female lying on her back with her legs spread apart. The prepubescent female is visible from her sternum to her knees. What appears to be an adult male is engaging in sexual intercourse with the prepubescent female.
- c. **Image Number Three:** This image depicts a nude prepubescent female who is lying down on a blue and white striped bed. She has her legs spread apart and is covering her face with her hands. An adult male is engaged in sexual intercourse with the female. The prepubescent female is entirely visible, while the adult male is visible below the shoulders only.

3. Based upon my training and experience, and to the best of my knowledge, the images described in paragraphs 2a through 2c above, were downloaded from the Internet, based upon, among other things, defendant McMICHAEL's own statements.

4. On or about July 19, 2006, law enforcement agents interviewed defendant McMICHAEL who stated the following, in substance and in part. Defendant McMICHAEL related that he had downloaded images of child pornography from the Internet to the hard drive of his computer. Defendant McMICHAEL further related that he had deleted those images from his hard drive in approximately February 2006, but had viewed images of child pornography since that time. Defendant McMICHAEL also indicated that he believed that the images he had viewed depicted actual children.